IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 587 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI
and
Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NEW INDIA ASSURANCE CO.LTD.

Versus

AMRATBEN WD/O SHANABHAI JESINGBHAI BARIA KOLI

Appearance:
MS LILU K BHAYA for Petitioner
MR MUKESH R SHAH for Respondent No. 1
NOTICE SERVED for Respondent No. 7, 8

CORAM : MR.JUSTICE R.K.ABICHANDANI
and
MR.JUSTICE A.M.KAPADIA

Date of decision: 28/02/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE R.K.ABICHANDANI)

1. Admit. Mr. R.H.Shah waives service of notice for the respondents Nos. 1 to 6 - claimants. No relief is sought against the respondents Nos. 7 and 8. The learned counsel for the parties request us for taking up the matter for final disposal. The learned counsel for the respondents - claimants states that he has no objection if the award is modified by reducing the rate of interest which has been awarded by the Tribunal from 15% to 12%. In view of this statement on behalf of the respondents - claimants and also having regard to the facts and circumstances of the case, we modify the rate of interest by reducing it from 15% to 12% per annum in this appeal which is confined only against the rate of interest. The award will stand modified accordingly. The appeal is therefore allowed to this extent with no order as to costs.

2. It is stated that the amount due under the award has been deposited by computing the interest at the rate of 12%. The learned counsel for the appellant states that the appellant company has no objection if the amount is withdrawn by the respondents - claimants. That may be done.

FEBRUARY 28, 2001 [R.K.ABICHANDANI, J.]

[A.M.KAPADIA, J.]

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